

## **REMARKS**

This paper is presented in response to the Final Office Action. By this paper, claim 11 is amended, and claim 15 is canceled. Claims 1, 2, 12-14, 16, 18-24, and 26-29 were canceled in previous papers. Claims 3-11, 17, 25, and 30-36 are now pending in view of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments to the claims and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Final Office Action.

Inasmuch as this paper does not touch the merits of the claims, but only amends the claims in the manner indicated by the Examiner, Applicant respectfully submits that entry and consideration of this paper is proper pursuant to 37 CFR 1.116.

### **I. General Considerations**

Applicant notes that the remarks, or lack of remarks, set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Rejection of Claims 11 and 33 under 35 U.S.C. § 103**

The Examiner has rejected claims 11 and 33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,907,595 to Sommerer in view of U.S. Patent No. 4,959,585 to Hoegler et al. Applicant respectfully disagrees but submits that for at least the reasons set forth below, the rejection is moot and should be withdrawn.

By this paper, Applicant has amended independent claim 11 to include the limitations of claim 15 (indicated by the Examiner to be allowable upon amendment to include all the limitations of the base claim and any intervening claims). Applicant thus submits that claim 11, as well as rejected claim 33, are now in condition for allowance.

### **III. Allowable Subject Matter**

Applicant acknowledges with thanks the indication of the Examiner that claims 3-10, 17, 25, 30-32, and 34-36 are allowed and the indication that claim 15 would be allowable if amended to include all

of the limitations of the base claim and any intervening claims, and Applicant also wishes to thank the Examiner for the careful review of those claims.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Final Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 3-10, 15, 17, 25, 30-32, and 34-36 are respectively directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Final Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Final Office Action concerning the allowability of claims 3-10, 15, 17, 25, 30-32, and 34-36 in view of the cited references.

### **CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 3-11, 17, 25, and 30-36 in this application is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 1st day of June, 2007.

Respectfully submitted,

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